

March 8, 2016

via email

Dear Regional Freedom of Information Officer, EPA Region 2:

This is a request by the New York Lawyers for the Public Interest and Riverkeeper, Inc., (“the Requesters”) for U.S. Environmental Protection Agency (“EPA”) records (and records under the control of the EPA) submitted pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

On behalf of our organizations, we hereby request the following:

- All correspondence or other records of communications dated June 30, 2015 to the present between the EPA Region 2 and the City of New York (including all agents and agencies of the City of New York) regarding the combined sewer overflow (“CSO”) retention tank to be constructed for Red Hook outfall RH-034;
- All correspondence or other records of communications dated June 30, 2015 to the present between the EPA Region 2 and other parties (including, but not limited to National Grid) regarding the CSO retention tank to be constructed for Red Hook outfall RH-034;
- All technical documentation, such as plans, reports, designs, and surveys, that are in the possession of the EPA, or cited or relied upon by the EPA in its review, regarding the CSO retention tank to be constructed for Red Hook outfall RH-034;

Please provide responsive documents in an electronic format (such as PDF). Copies of responsive documents may be delivered to the following address:

Rachel Spector
New York Lawyers for the Public Interest
151 West 30th Street, 11th Floor
New York, NY 10001

If you are able to send responsive documents via email, please send to sdixon@riverkeeper.org and rspector@nylpi.org.

As the Requesters are non-profit organizations working in the public interest to further open and transparent discourse over issues affecting some the most vulnerable social and environmental regions in the nation, and are seeking this information for the benefit of the public, we ask that

you waive any fees associated with this request, or in the alternative, that you inform us if the cost will exceed \$25.00 before sending any documents.

This information, vital to the general public interest as well as several ongoing public processes, should not be subject to any FOIA exemptions. The material requested specifically concerns operations of the government, would clearly, significantly, and immediately contribute to the public's understanding of government processes and many outstanding applications, and will not be used for any commercial purposes. The Requesters hereby ask that access to these documents be granted within twenty (20) calendar days of this request.

Requesters also ask that if the EPA determines that any of the information requested herein is exempt from FOIA, that said information be identified by document, along with the statutory basis for your claim and your reasons for not exercising your discretion to release this information. If your office determines some of the portions of the requested materials are exempt, I request, in accordance with FOIA, that we be provided with the remaining non-exempt portions.

Please direct any correspondence in regards to this FOIA request and request for waiver of fees to Rachel Spector, New York Lawyers for the Public Interest, at 212-244-4664.

Thank you for your understanding and cooperation.

Sincerely,

Rachel Spector, Environmental Justice Program Director
New York Lawyers for the Public Interest
151 West 30th Street, 11th Floor
New York, NY 10001

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